

REPUBLIC OF RWANDA



OFFICE OF THE OMBUDSMAN



RWANDA ANTI-CORRUPTION POLICY

Kigali, June 2012

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EXECUTIVE SUMMARY

This National Anti-corruption Policy represents Rwanda's commitment under Vision 2020 to achieve good governance through preventing and fighting corruption. It focuses on people, systems and organizations and on building a culture where integrity is valued and corruption rejected. It seeks to support national development that will for the future be able to sustain; a better quality of life for people; a strong competitive economy; effective and efficient public services.

This policy sets an ambitious agenda to achieve a public service that appreciates and embraces integrity; accepts the need for transparency and accountability; ensures full compliance with regulatory and legal requirements. It seeks to achieve a well informed public that demands high standards from public officials and a private sector that operates on a level playing field and acts as a partner in the fight against corruption.

The National Anti-corruption Policy is set within the overall policy framework of Zero Tolerance and national planning and seeks to support the implementation of government policies in the area of good governance. It is set with the institutional framework that includes law enforcement and oversight institutions under the umbrella of the National Anti-corruption Advisory Council that provides a key coordination mechanism for all anticorruption institutions.

The legal framework is provided by a wide range of legal instruments listed within the document and this framework continues to grow and deepen.

A brief situation analysis is provided that highlights the status of corruption, breakdown of corruption risk areas and corrupt practices in Rwanda and their impact.

The policy recommends a cross-cutting set of actions to be undertaken by the government in collaboration with the private sector, the civil society and the public itself in strengthening the fight against corruption. A monitoring and an evaluation framework is also outlined so as to ensure the progress and implementation of which an annually report shall be submitted to parliament.

1. Background to the Rwanda anti-corruption policy

1.1. Purpose of the Rwanda anti-corruption policy

This National Anti-corruption Policy represents Rwanda's commitment under Vision 2020 to achieve good governance through preventing and fighting corruption. It focuses on people, systems and organizations and on building a culture where integrity is valued and corruption rejected. It seeks to support national development that will for the future be able to sustain; a better quality of life for people; a strong competitive economy; effective and efficient public services.

The Rwanda anti-corruption policy sets an ambitious agenda to achieve a public service that: appreciates and embraces integrity; accepts the need for transparency and accountability; ensures full compliance with regulatory and legal requirements. It seeks a well informed public that demands high standards from public officials and a private sector that operates on a level playing field and acts as a partner in the fight against corruption.

In addressing these issues, the Rwanda anti-corruption policy will:

- ❖ Guide public and private institutions in formulating their anti-corruption action plans;
- ❖ Promote an active and open engagement with the public and with stakeholder groups to improve access to information and the public demand for accountability
- ❖ Provide a framework for the capacity development of anti-corruption institutions

1.2. Institutional framework

Anti-corruption policy and action is managed by a range of public institutions.

The primary anti-corruption agency is the Office of the Ombudsman which is constitutionally independent and carries a wide mandate in the fight against corruption. A number of other institutions with core functions closely related to anti-corruption action but hold mandates where corruption is but one element. These include the National Public Prosecution Authority, the Rwanda National Police, the Office of the Auditor General of State Finances, Rwanda Public Procurement Authority.

In order to create a framework of exchange of information on corruption, to avoid collusion and to set collective efforts among institutions on fighting against corruption, the National Anti Corruption Advisory Council has been put in place.

1.3. Legal framework

The Rwanda anti-corruption policy is governed by the following legal texts:

- Constitution of the Republic of Rwanda
- Organic law instituting the penal code
- Organic law on leadership code of conduct
- Law on prevention, suppression and punishment of corruption and related offences
- Law on prevention and penalizing the crime of money laundering and financing terrorism
- Law on public procurement
- Law establishing the organization and functioning of the Office of the Ombudsman
- Law on state finance

International treaties

- United Nations Convention against Corruption (UNCAC)
- African Union Convention against Corruption (AUCAC)
- East African Community Treaty.

2. Status of corruption in Rwanda

The Government of Rwanda has undertaken a number of Anti-corruption measures and these coupled with immense political will and public support have led to a low impunity environment. These efforts have resulted in strong ranking for Rwanda both regionally and internationally.

Rankings made by the World Bank over the last ten years show that Rwanda has made a considerable step from 20.0% score in 1996 to 70.8% in 2010, emerging the fourth (4th) least corrupt country out of 53 countries in Africa after Botswana (79.9 %), Cape Verde (74.6 %) and Mauritius (73.2 %).¹ According to Transparency International, over the period of 2006 to 2011, corruption has declined from 2.5 out of 10 in 2006 to 5.0 in 2011, appearing the most improved

¹Country Data report for Rwanda, 1996–2010 from World Bank Worldwide Governance Indicators info.worldbank.org/governance/wgi/sc_country.asp.

in the East African region . East African countries scored as follows in 2011: Rwanda (5.0), Burundi (1.9), Kenya (2.2), Uganda (2.4) and Tanzania (3.0).

According to Transparency International Rwanda survey on Rwanda Bribe Index 2010, the likelihood of encountering bribe demand occurrences is 1.19%, the prevalence of bribery is 0.8% and the average size of bribery is 19.844%. (the likelihood of encountering bribe has reduced from 3.9% in 2010 to 1.19% in 2011).

2.1. Breakdown of corruption risk areas and corrupt practices in Rwanda

Main functional areas in Rwanda that constitute potential risks are found in public finance management system, public procurement, human resources management, traffic police, justice sector, land services offices, customs, licenses issuing, construction permits issuing.

The most common forms of corruption in Rwanda include public funds embezzlement, fraudulent procurement practices, nepotism, abuse of office and power, corruption in enforcement and regulatory institutions and within the private sector. This is also evidenced by the large number of corruption cases recorded annually: for instance, in the year 2009-2010, 490 cases were received by the Rwanda National Police and the Office of the Ombudsman, 292 cases were prosecuted and 44 persons were convicted for corruption and related offences.

2.2. Impact

It is widely recognized that corruption has a negative and debilitating effect on national development. Politically, corruption undermines the confidence of the people in public institutions, erodes the capacity and legitimacy of the State and makes a myth of the rule of law. Economically, corruption raises the cost of doing business, encourages inexecution of contractual obligations, facilitates the mis allocation and wastage of resources, discourages foreign investment and retards economic growth and development. Socially, corruption accounts for poor service delivery, and the inefficient functioning of social services like health, education, roads, water supply and telecommunications. It exacerbates social

inequalities and increases social tensions in society. In light of the consequences mentioned above, the Government of Rwanda put in place mechanisms to mitigate and to fight corruption.

3. National Anti-corruption Policy

Anti-corruption action cannot succeed if it is isolated within the anti-corruption institutions. It must also be the responsibility of the society including public institutions and the political leadership to ensure that accountability is a primary concern and corruption prevented and tackled wherever it arises. The policy that follows places the emphasis on a broad national effort while identifying specific institutional responsibilities as they apply.

3.1. Vision

To make Rwanda a country free of corruption while promoting integrity and good governance.

3.2. Mission

Promoting and inculcating awareness of a society founded on discipline, integrity and ethics. Suppressing corruption through effective and cumulating effects of its combating, controlling and prevention efforts enumerated in this policy.

3.3. Objectives

- ❖ Effective political leadership in the fight against corruption
- ❖ Increased public demand for accountability and rejection of corruption
- ❖ Effective enforcement of anti-corruption measures

3.4. Scope

This policy is applicable to all ministries and other central administrative units, government projects and programs, districts, provinces and Kigali City, all government business enterprises, private sector, and civil society and to all citizens. This policy should be applied in conjunction

with the prevailing Anti-corruption legislation. It is in the responsibilities of the Office of the Ombudsman to ensure that the policy is effectively implemented.

4. Situation analysis

a. Legal framework

As mentioned above, Rwanda has enacted different laws related to the fight against corruption and ratified regional and international conventions against corruption. Though Rwanda has adopted these laws that are dealing with anti-corruption practices, some provisions like international cooperation and mutual legal assistance are still missing in the Rwandan legislation. International cooperation and mutual legal assistance is the key weapon which can facilitate in investigating corruption at international level, since criminals tend to hide proceeds got from corruption abroad.

There is a need to reform the existing laws, particularly the law of prevention, suppression and combating corruption, law establishing the organization, functioning and of the Office of the Ombudsman.

There is a need to put in place clear mechanisms of disqualifying from office corrupt officials within public and private institutions.

b. Institutions

The institutional framework of anti corruption in Rwanda can be categorized into two types: Enforcement institutions and oversight institutions.

i. Enforcement institutions

Because of the limited hard evidence on the extent of and the nature of corruption, fighting corruption by these institutions requires modern investigative tools, special investigative techniques as well as special investigative team that are presently lacking. Addressing these issues would make investigations faster and consistent.

Last but not least, enforcement institutions lack statistical data on forms, nature, and causes of corruption in Rwanda for decision making. This would be achieved if there are constant surveys or researches on all forms of corruption in Rwanda. The surveys would further entail an analysis of the study and critique of existing Anti-corruption policies, laws, institutional and administrative frameworks in the public and private sectors with the aim of initiating reform discourse in relevant corruption prone areas.

ii. Oversight institutions

With the establishment of Rwanda Public Procurement Authority and the enactment of the procurement law and regulations, public tender procedures have been respected as compared to the time when there were no such regulatory framework and failure to comply leads to severe sanctions. The value of tenders awarded without the approval of the internal tender committees and the Rwanda Public Procurement Authority has dramatically reduced while the value of tenders awarded through open competition has increased.

Despite the enactment of Rwanda Procurement law and regulations, irregularities still exist in public tenders as highlighted in the Auditor General's reports.

The mindset of key players in financial management system is still a challenge for Rwanda that may lead to corrupt practices by the use of inappropriate public financial procedures like public procurement procedures, tax and revenues collection procedures hence affecting the whole financial management system. Oversight institutions also face a challenge of insufficiency of qualified personnel both in numbers and know how.

For a better financial management system, right people needs to be recruited, build their capacity, and improve effectiveness of internal audit functions for the purpose of strengthening internal controls and active audit committees. This would help to reduce the amount of expenditure without supportive documents which remains high as a result of failure to comply with the established procedures.

Furthermore, it is necessary to reduce administrative processes that may give rise to unjustified preferential treatment and the solicitation of corruption. In order to limit physical personal contact, e-government, e-procurement and e-payment systems should be adopted.

Thought the spirit of establishing the National Anti Corruption Advisory Council was to decentralize it up to the sector level, to enable a quick exchange and sharing of information on the progresses, shortcomings and corruption practices. This not yet implemented due to the lack of regulatory framework. Therefore, there is a need to adopt a legal instrument to operationalize this council.

c. Role of civil society

The civil society stands as an important stakeholder and a key player in the fight against corruption. Civil society organizations are one of the Anti-corruption advocacy groups that help in raising public awareness and reporting on corruption. As a key player, civil society should assist in monitoring the compliance of regulations and imposition of sanctions against corrupt officials but their role is still weak. The civil society should put in place mechanisms relating to public awareness and reporting in order to curb corruption practices that affect their activities and structures.

Media scrutiny and publicity are essential to raising public expectations and public awareness on corruption practices and to cause political pressure to take measures against corruption. It is imperative to disseminate through media all information on how to investigate and report cases of corruption.

d. Role of private sector

Since corruption involves members of both the public and private sectors, who are engaged in illegal and unethical behaviour, combating it requires public-private partnership. Thus, the private sector can play a vital role in sensitizing its members against corruption.

Under the law preventing and suppressing corruption both public and private institutions are required to set up mechanisms for preventing and fighting corruption. ² The Private Sector

² Article 3 of the law n° 23/2003 of 07/08/2003 relating to Prevention, Suppression and Punishment of corruption and related offences.

Federation has elaborated a code of business ethics and excellence. However, the business community still needs to be sensitized to adhere to the code, and to encourage best practices in a number of key business dealings like transparency in financial matters, eliminating corruption, ensuring product quality, proper treatment of workers, compliance with business laws, etc. Hence, it is the responsibility of the Private Sector Federation to promote those ethical standards.

e. Role of citizens

The ordinary citizens are the ones experiencing corruption, however, they are well placed to fight against it. Thus, their role in the fight against corruption cannot be ignored.

Public awareness is an important factor where by the population are able to claim for their rights. This should be done through emphasizing the cultural values of honesty and integrity if fighting corruption is to be sustainable. Raising public awareness on the evils of corruption is central in inculcating the desired knowledge and values necessary to build a positive culture that supports the fight against corruption, promoting cooperation with state and non-state actors by fostering partnership with them.

More emphasis should be placed in educating and mobilizing the youth in the fight against corruption. This should be done by introducing and reviewing existing curricula to incorporate elements of corruption prevention and integrity values in education programmes from primary school to secondary level. Anti-corruption clubs in secondary and higher Institutions of learning as well as other anti-corruption clubs should be strengthened as a special awareness program targeting the youth.

f. Handling of corruption cases

Corruption cases are handled by different public institutions. All these institutions fall under the three arms of the government. These includes the Office of the Ombudsman as an institution with the primary mandate of fighting corruption and injustice, other institutions with core functions closely related to anti-corruption such as the National Public Prosecution Authority, the Rwanda National Police, the Office of the Auditor General of State Finances, Rwanda Public Procurement Authority, Parliamentary Public Account Committee and Courts.

Handling corruption cases is so delicate because there is limited hard evidence on the extent and nature of corruption in Rwanda.³ This has a negative impact in fighting corruption as some of the culprits are set free. Hence, the deterrent function of a sentence is not fulfilled. Similarly, when the corruption culprits are sentenced, no clear defined mechanisms of recovering the embezzled public assets, this affects the national economy as some individuals enrich themselves to the expense of the majority.

As aforementioned, institutions in charge of handling corruption cases face a challenge of investigation tools and techniques that would help to have hard and concrete evidences on corruption cases.

Lastly, lack of anti-corruption special courts in Rwandan legal system is a hindrance in fighting against corruption. Corruption cases needs to be handled in a quick and faster manner but due to the number of cases in our court system, this has proved to be impossible. The end result is that there might be disappearance of evidences incriminating the culprit.

5. Anti-corruption strategies

As regards to the implementation of this policy, roles and responsibilities will be shared between stakeholders according their respective missions. Hence, the responsible institution must bear in mind that strategies defined in the area of preventing and fighting corruption have to be among their priorities. The anti-corruption strategies provided here are closely linked to the set objectives of the policy in the following ways:

- Effective political leadership in the fight against corruption
- Increased public demand for accountability and rejection of corruption
- Effective enforcement of anti-corruption measures

STRATEGY	ACTIONS⁴	KEY ACTIVITIES	RESPONSIBLE INSTITUTION
Demonstrate	Enhancing	Strengthen annual National Anti-	Office of the

³ GOR and World Bank, Joint Government Assessment Report, endorsed by Cabinet on 12/09/2008, page 56

⁴ Actions indicated in this table are those that we find very important in the implementation of Anti-corruption strategies.

political commitment to zero tolerance	political will against corruption	corruption dialogue	Ombudsman
		Monitoring the implementation and the impact of code of conduct for government officials	Office of the Ombudsman
Strengthen capacity of the public to resist and prevent corruption	Raising public awareness	Strengthen an annual anti -corruption campaign to promote public participation, awareness and ownership	Office of the Ombudsman
		Identify and promote national values as core values for society	Office of the Ombudsman and Itorero ry'Igihugu
		Initiate a national awards scheme to recognize integrity and exemplary service	Office of the Ombudsman
		Train and sensitize different categories of citizen on the evils of corruption.	All State and non State Actors
		Develop special awareness program for anti-corruption clubs in secondary, higher Institutions of learning and other youth clubs in local administration.	Office of the Ombudsman
		Decentralize the National Anti-corruption Advisory Council up to the sector and cell level and build anti-corruption awareness program of its members	Office of the Ombudsman Ministry of local Administration
		Use corruption convicts to educate the public through testimonies.	Rwanda Correctional Services

		Introduce anti-corruption courses in secondary schools ' curriculum and Itorero ry'Igihugu	Ministry of Education and Itorero ry'Igihugu
Strengthen the framework for participation of non-state actors	Cooperation with state and non state actors	Operationalize the Anti-Corruption Public Private Partnership framework through dialogues	Office of the Ombudsman
		Engage the private sector and media as key non-state actors in anti-corruption action	Private Sector Federation Media High Council
		Pursue the development of the concept and operation of public private partnerships to increase effective service delivery and accountability	Private Sector Federation Civil Society Platform
		Promote ethical standards in non-state actors through the introduction of code of conducts.	Private Sector Federation Civil Society Platform
Strengthen the legislative and judicial and judicial framework to combat corruption	Improve compliance with legal and regulatory systems and requirements	Initiate the Special Anti- Corruption Court	Ministry of Justice
		Strengthen cooperation with Justice Sector to improve the handling of corruption cases	Justice Sector institutions
		Monitor the impact of anti -corruption legislation on enforcement	Office of the Ombudsman
		Prepare a framework to strengthen the confiscation of assets	Ministry of Justice
		Identify and implement measures to improve corruption technical investigations	Office of the Ombudsman National anti-corruption advisory council

		Strengthen the use of administrative action as an important mechanism enhance the combination of prevention and sanction	All public and private institutions
		Make available anti-corruption information to the public	All stakeholders in anti-corruption drive
Strengthening public financial management	Transparency and accountability in public financial management	Improve competition, value for money, controls, and transparency in public procurement	Ministry of Finance and Economic Planning
		Improve effectiveness of internal audit functions as well as established audit committees for the purpose of strengthening internal controls in financial management and reporting	Ministry of Finance and Economic Planning All public institutions
		Build capacities of financial officers	Ministry of Finance and Economic Planning All public institutions
		Adopt e-procurement and e-payment systems in order to limit physical personal contact	Ministry of Finance and Economic Planning
Strengthen compliance with international standards & obligations	Reviewing the existing anti-corruption laws	Monitor Rwanda's compliance with UNCAC and take steps close gaps	Ministry of Justice
		Initiate mutual legal assistance arrangements with relevant foreign countries.	Ministry of Justice
		Pursue the EAC anti-corruption framework arrangements	Ministry of Justice Ministry of East African Community
Enhance the professional standards in	Increase strategic and operational	Address performance and accountability in the public service	Ministry of Public Service and Labour

public service organizations	effectiveness of public service organizations		
		Monitor public attitudes to accountability issues and service delivery	Ministry of Public Service and Labour Office of the Ombudsman
		Prepare regular trainings on issues of integrity, transparency, and accountability for all employees and employers.	Office of the Ombudsman
		Set up clear administrative sanctions for violation of the code of conduct, and criminal action to be initiated when appropriate.	All state and non-state actors
Enhance institutional capacity standards and programmes	Enhance public confidence in the operation of anti-corruption agencies	Develop a Training Policy to service the needs of anti-corruption institutions	Office of the Ombudsman and National Anti-corruption Advisory Council
		Conduct common training activities and capacity development for anti-corruption institutions and members of the national anti-corruption advisory council.	Office of the Ombudsman and National Anti-corruption Advisory Council
		Undertake a financial, human resources, equipment and logistical study of anti-corruption agencies to establish the sector needs and assist with future planning.	Office of the Ombudsman and National Anti-corruption Advisory Council

Monitor compliance With established standards of accountability	Carry out consistent surveys and systematic analysis on corruption	Conduct surveys and studies to identify levels and forms of corruption	Ombudsman Office
		Initiate reforms in corruption prone areas	
Initiate anti-corruption monitoring and evaluation system	Set up and agree on mechanisms of monitoring and evaluation	Implement Monitoring and Evaluation policy to ensure regular feedback and performance assessment of anti-corruption action	All state and non-state actors
		Undertake a Joint Annual Review of Rwanda anti-corruption policy activities and performance with key stakeholders	Office of the Ombudsman

6. Stakeholder's consultations

Stakeholders have been widely consulted in the development of the Rwanda Anti-corruption Policy. At the national level, the meeting of the Anti-corruption Advisory Council Forum have respectively discussed on the contents of this policy. Particularly, inputs and views from stakeholder's core institutions have been considered.

7. Financial Implications

The financial implications of Rwanda Anti-corruption Policy are complex since corruption is a cross-cutting issue and its implementation shall involve an array of institutions that shall implement Anti-corruption measures in accordance to their respective mission. However, financial resources required for the implementation of this policy can not be estimated. All concerned institutions shall identify annually the financial and human resources required and consider them in their internal budgeting.

The Government of Rwanda will ensure that adequate financial resources are made available to all institutions concerned for the implementation of this policy. It will be the main source of direct funding for this policy.

8. Legal implications

The implementation of Rwanda Anti-corruption Policy will require a review of the existing Anti-corruption laws. This review should ensure that the law is fully compatible with the international instruments like the United Nations Convention Against Corruption (UNCAC).

Secondly, new laws on e-procurement, e-payment, e-government and public assets tracing and recovery should be enacted, in order to implement this Anti-corruption policy.

9. Monitoring & Evaluation

Monitoring and evaluation of this policy will be ensured by the Office of the Ombudsman. Periodic assessment of different activities and annual review of policy implementation shall be carried out. The Office of the Ombudsman shall put in place monitoring and evaluation mechanisms for implementation of this policy.

Conclusion

Although Rwanda is not ranked as the most corrupt in the East African Member Countries and the African region in international indices of corruption, the evidence presented in this policy suggests that corruption has been and is still a prevalent problem. It has not only led to loss of lots of public funds, but also causing distortion of development programs, weakening government institutions, increasing economic and social inequality in society and undermining the rule of law.

In seeking for effective ways of addressing the challenge, Rwanda has adopted laws and statutory provisions and established institutional mechanisms noted above. Since 2003, a number of legislative and other measures have been introduced against corruption, notably the law preventing and repressing corruption, law establishing the Office of the Ombudsman, public procurement law etc. Such measures have led to some progress, though corruption is still reported by the public in both high and low levels of administration.

This Rwanda Anti-corruption Policy endeavours to offer strategies and guidelines of preventing, detecting, investigating, prosecuting and sanctioning corrupt practices. It serves as a basis for Anti-corruption agencies to accomplish their responsibilities more effectively in respect of enforcement and prevention of corruption. However, the effectiveness of the strategies and guidelines set out in this policy document depends on the context in which they are used and how they are implemented by responsible agencies. Thus, there is need to synergize Anti-corruption initiatives for enhanced effectiveness.

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